



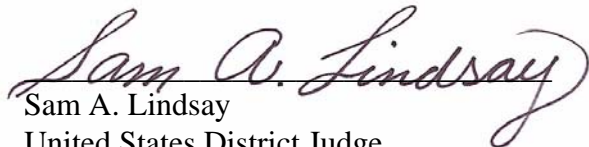
motions. *Celotex Corp., v. Catrett*, 477 U.S. 317, 326 (1986). The continuance authorized by Rule 56(f) is a safe harbor built into the rules so that summary judgment is not granted prematurely. *Union City Barge Line, Inc. v. Union Carbide Corp.*, 823 F.2d 129, 136 (5<sup>th</sup> Cir. 1987).

To comply with the Rule, the party opposing summary judgment need only file the specified affidavit, explaining why he cannot oppose the summary judgment motion on the merits. *Id.* Rule 56(f) motions are treated and reviewed liberally; technical, rigid scrutiny of a Rule 56(f) motion is inappropriate; *Id.*, however, since the burden is not a heavy one, the nonmovant must justify his entitlement to a continuance by presenting specific facts explaining his inability to make a substantive response. *Id.* at 137 (citing *SEC v. Spence & Green Chem. Co.*, 612 F.2d 896, 901 (5<sup>th</sup> Cir. 1980), *cert. denied*, 449 U.S. 1082 (1981)). A claim that further discovery or a trial might reveal facts of which the nonmovant is currently unaware is insufficient. *Washington v. Armstrong World Indus., Inc.*, 839 F.2d 1121, 1123 (5<sup>th</sup> Cir. 1988). A party may not rely on vague assertions that additional discovery will produce needed, but unspecified facts, *Union City*, 823 F.2d at 137, but instead must identify a genuine issue of material fact that justifies the continuance pending further discovery. *See Woods v. Federal Home Loan Bank Bd.*, 826 F.2d 1400, 1415 (5<sup>th</sup> Cir. 1987), *cert. denied*, 485 U.S. 959 (1988).

Plaintiffs seek to supplement their response with excerpts from three depositions. The deponents are former Sheriff Jim Bowles; Chief Deputy Edgar McMillan, the officer delegated to operate the jail; and Captain Ray Daberko, the officer in charge of Intake and Release. Plaintiffs contend that testimony in these depositions supports their allegations of deliberate indifference by Dallas County. Specifically, Plaintiffs contend that Sheriff Bowles testified regarding his lack of knowledge of jail procedures and the use of telephone equipment that enables inmates to commit

suicide. They maintain that Chief Deputy McMillan testified that he ordered all corded telephones in Intake and Release replaced with cord free telephones in 2000; that he was aware that jail personnel did not follow policy regarding the suicide screening questionnaire; and that he did not consider the broken telephone unreasonably dangerous to Posey. Plaintiffs anticipate that Captain Daberko will testify regarding his knowledge of Chief Deputy McMillan's 2000 order to replace all corded telephones in Intake and Release; that all but two telephones were replaced; that jail staff did not follow jail policy regarding the suicide screening form; that jail personnel were inadequately trained to perform medical and psychological screenings; that Posey was left unobserved in a jail cell; and that Posey should not have been placed in a single cell with a broken corded telephone. The court determines that Plaintiffs have shown how the additional depositions may allow them to demonstrate a genuine issue of material fact. Moreover, no defendant will be prejudiced, because the court will allow Defendants to file a reply to Plaintiffs' Supplemental Response. Accordingly, the court **grants** Plaintiff's Motion for Leave to Supplement Plaintiff's Response to Dallas County's Motion for Summary Judgment. Plaintiffs shall file their supplemental response and appendix to Dallas County's motion for summary judgment no later than **July 22, 2005**, and Defendants shall file any reply to such supplemental response by **August 5, 2005**.

**It is so ordered** this 12<sup>th</sup> day of July, 2005.

  
Sam A. Lindsay  
United States District Judge